

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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United States of America,

Case No. 0:19-cr-00008-JNE-KMM-1

Plaintiff,

v.

**ORDER**

Peter Joseph McGibbon  
Defendant.

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This matter is before the Court on motions for discovery and disclosure filed by the government and Defendant Peter Joseph McGibbon. The Court determined that no hearing was necessary. Based on the motions that were filed and the written responses, the Court enters the following Order.

**1. Government's Motion for Discovery (ECF 17)**

The government's motion for discovery of information pursuant to Rule 16 of the Federal Rules of Criminal Procedure is **GRANTED**. The defendant shall provide discovery and disclosures as required by the Fed. R. Crim. P. 16.

**2. Mr. McGibbon's Motion for Disclosure of 404(b) Evidence (ECF No. 24)**

Mr. McGibbon's motion for disclosure of Rule 404(b) evidence is **GRANTED**. The government shall disclose any evidence it intends to offer at trial pursuant to Fed. R. Evid. 404(b) at least **two weeks** before trial.

### **3. Mr. McGibbon's Motion for Disclosure of Favorable Evidence (ECF No. 25)**

Mr. McGibbon's motion for disclosure of favorable evidence is **GRANTED**. The government is obligated to disclose evidence favorable to Mr. McGibbon as required by *Brady v. Maryland*, 373 U.S. 83 (1963), *Giglio v. United States*, 405 U.S. 150 (1972), and their progeny. These cases place an ongoing obligation on counsel for the government to disclose exculpatory evidence and impeachment material to Mr. McGibbon.

### **4. Mr. McGibbon's Motion for Discovery (ECF No. 26)**

Mr. McGibbon's motion for discovery and inspection is **GRANTED** to the extent it seeks discovery and disclosure consistent with Fed. R. Crim. P. 16. The government shall continue to comply with its discovery and disclosure obligations.

### **5. Mr. McGibbon's Motion for Expert Discovery (ECF No. 27)**

Mr. McGibbon's motion for expert discovery is **GRANTED**. The government shall make its expert disclosures at least **three weeks** prior to trial. Any expert disclosures to be made by Mr. McGibbon must be completed by **two weeks** before trial.

### **6. Mr. McGibbon's Motion to Retain Rough Notes (ECF No. 28)**

Mr. McGibbon's motion for government agents to retain rough notes is **GRANTED**. Disclosure of rough notes is not required by this paragraph.

Date: February 22, 2019

*s/Katherine Menendez*

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Katherine Menendez

United States Magistrate Judge